

FISCAL NOTE

SB 297 - HB 709

February 13, 2001

SUMMARY OF BILL: Provides that upon the request of a law enforcement officer and when pertinent to establish a criminal offense, a judge or magistrate *must* issue a subpoena for the production of documentary evidence. The clerk of the criminal court shall provide the subpoena signed, but otherwise blank, to the law enforcement officer who shall complete the form. The subpoena must include certification on its face by an officer of the law enforcement agency and the district attorney general's office that the evidence is pertinent to establish the elements of a criminal offense. No person could be excused from compliance based upon an assertion that compliance may tend to incriminate such person. If a person fails to comply with such a subpoena, then the district attorney general would seek a writ of attachment from the criminal court to hold such person in jail in civil contempt of court without bonds until compliance occurs.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$157,400/Incarceration*
Increase Local Govt. Expenditures - Not Significant

Estimate assumes:

- making access to documentary materials through this subpoena process will lead to additional charges and convictions of various felonies particularly money laundering (Class B felony) and other economic crimes.
- three Class B felony convictions, two Class C felony convictions, and two Class D felony convictions.
- the increase in local government expenditures is for jail costs for persons in contempt of court, which is not estimated to be significant.

**Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director